

Last Revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:	CASE NO.:	16-33510
EVA ACEVEDO	JUDGE.:	ABA
(Debtor)	CHAPTER.:	13

CHAPTER 13 PLAN AND MOTIONS

<input type="checkbox"/> Original	<input type="checkbox"/> Modified/Notice Required	<input checked="" type="checkbox"/> Discharge Sought
<input type="checkbox"/> Motions Included	<input checked="" type="checkbox"/> Modified/ No Notice Required	<input type="checkbox"/> No Discharge Sought

Date: January 23, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13
OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED IN
THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT
MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The Debtor shall pay **\$297.00** per **MONTH** to the Chapter 13 Trustee, starting on

January 1, 2017, for approximately 60 months.

- b. The Debtor shall make plan payments to the Trustee from the following sources:
[X] Future Earnings.
[] Other Sources of funding (describe source, amount and date when funds are available).
- c. Use of real property to satisfy plan obligations:
[] Sale of real property
Description:
Proposed date for completion: _____

[] Refinance of real property
Description:
Proposed date for completion: _____

[] Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____
- d. [] The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. [] Other information that may be important relating to the payment and length of plan:

Part 2: Adequate protection

- a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the Debtor(s) outside of the Plan, pre-confirmation to _____ [creditor].

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 TRUSTEE	ADMINISTRATIVE	Not to exceed 10%
Tamika N. Wyche, Esq.	ADMINISTRATIVE	\$3,160.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearage on monthly obligations and the Debtor shall pay directly to the creditor (outside of the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (in Plan)	Regular Monthly Payment (Outside Plan)
Midland Mortgage	Real Estate	\$ 750.00	-0-	\$ 750.00	\$ 740.00

b. Modification

- 1.) The Debtor values collateral as indicated below. If the Claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as unsecured claim. If a secured claim is identified as having "**NO VALUE**" it shall be treated as an unsecured claim.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Paid
Santander	Auto	\$9,029.00	\$7,903.00	-0-	\$9,029.00	5%	\$10,223.30

- 2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The Following secured Claims are unaffected by the Plan:

e. Secured Claims to be paid in full through the Plan.

<u>Creditor</u>	<u>Collateral</u>	<u>Total Amount to be Paid through the Plan</u>
City of Camden	1266 Kenwood Avenue	\$590.63
CCMUA	1266 Kenwood Avenue	\$290.81

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

Not less than \$ to be distributed *pro rata*

Not less than Percent

X Pro rata distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

<u>Creditor</u>	<u>Basis for Separate Classification</u>	<u>Treatment</u>	<u>Amount to be Paid</u>

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, **except** the following, which are **assumed**:

<u>Creditor</u>	<u>Nature of Contract or Lease</u>	<u>Treatment by Debtor</u>

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

- a. **Motion to Avoid Liens under 11U.S.C. Section 522(f).** The Debtor moves to avoid the following liens that impair exemptions:

<u>Creditor</u>	<u>Nature of Collateral</u>	<u>Type of Lien</u>	<u>Amount of Lien</u>	<u>Value of Collateral</u>	<u>Amount of Claimed Exemption</u>	<u>Sum of All Other Liens Against the Property</u>	<u>Amount of Lien to be Avoided</u>
Capital One	Real Estate	Judgment	\$1,201.67	\$79,000.00	\$1,983.00	\$77,017.00	\$1,201.67
ABCO FCU	Real Estate	Judgment	\$3,600.00	\$79,000.00	\$1,983.00	\$77,017.00	\$3,600.00
ABC Bail Bond	Real Estate	Judgment	\$612.00	\$79,000.00	\$1,983.00	\$77,017.00	\$612.00

- b. **Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.**
The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 3 avoid:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount of Lien to be Reclassified</u>

- c. **Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** The Debtor moves to reclassify the following claims as partially

secured and partially unsecured, and void to liens on collateral consistent with Part 3 above:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount to be Deemed Secured</u>	<u>Amount to be Reclassified as Unsecured</u>
Santander	2011 Toyota Corolla	\$10,223.30	Any Remaining Interest

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation

☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for the Sections 3, 5, or 6 may continue to mail customary notices or coupons to be Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Administrative Expense (Debtor Attorney Fees)
- 3) Secured
- 4) Priority
- 5) Unsecured

d. Post-petition claims:

The Trustee ☒ is ☐ is not] authorized to pay post-petition claims filed pursuant to 11U.S.C Section 1305(a) in the amount filed by post-petition claimant.

Part 9: Modifications

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 12/12/16

Explain below **why** the plan is being modified:

TO MODIFY AMOUNT TO BE PAID TO
CREDITORS PURSUANT TO THE PROOF
OF CLAIM.

Explain below **how** the plan is being modified:

MODIFYING AMOUNT TO BE PAID TO
CREDITORS.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

Date 1/23/17

/s/ Tamika N. Wyche, Esquire

Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date 1/23/17

/s/Eva Acevedo

Debtor

Date

/s/

Joint Debtor (if any)

Certificate of Notice Page 9 of 10
 United States Bankruptcy Court
 District of New Jersey

In re:
 Eva E. Acevedo
 Debtor

Case No. 16-33510-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 34

Date Rcvd: Jan 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 25, 2017.

db
 cr
 Eva E. Acevedo, 1266 Kenwood Ave, Camden, NJ 08103-2816
 City of Camden, City Attorney, City Hall, 4th Floor, Suite 419, PO Box 95120,
 Camden, NJ 08101-5120
 5165411157 ABC Bail Bond, 425 Martin Luther King Blvd, Camden, NJ 08102
 5165411158 ABCO Credit Union, 870 Delsea Drive Doubletree Ctr, Glasboro, NJ 08028
 5165411160 Arceima Attn: Payroll, 410 Broadacres Dr Ste 140, Bloomfield, NJ 07003-3152
 5165411165 CCMUA, PO Box 1105, Bellmawr, NJ 08099-5105
 516591337 +Camden County MUA, 1645 Ferry Ave., Camden, NJ 08104-1311
 5165411162 +Camden County Special Civil Part, 101 S 5th St, Camden, NJ 08103-4099
 5165411163 Capital One, PO Box 30281, Salt Lake City, UT 84130-0281
 5165411164 Capital One Bank USA, PO Box 30281, Salt Lake City, UT 84130-0281
 5165411166 +Citizens Bank, 1 Citizens Dr, Riverside, RI 02915-3000
 5165411167 City of Camden, City Hall, Room 117, PO Box 95120, Camden, NJ 08101-5120
 516599037 +City of Camden, c/o Office of the City Attorney, 520 Market St., City Hall, Suite 419,
 Camden, NJ 08102-1300
 516583044 City of Camden, Dept. of Water & Sewer, c/o Office of the City Attorney,
 City Hall, Suite 419, Camden, NJ 08101
 5165411168 City of Camden (American Water), PO Box 52747, Phoenix, AZ 85072-2747
 5165411169 Comenity Bank/Peebles, PO Box 182789, Columbus, OH 43218-2789
 5165411170 #+Debt Recovery Solutions, 900 Merchant Conc Ste 106, Westbury, NY 11590-5114
 5165411171 Depersia Bail Bonds, 511 Market St, Camden, NJ 08102-1216
 5165411172 Gerald L. Reif, Trustee, PO Box 350, South Orange, NJ 07079-0350
 516597767 MIDFIRST BANK, KML Law Group PC, Sentry Office Plaza, 216 Haddon Avenue, Suite 206,
 Westmont, NJ 08108
 5165411173 Midland Mortgage, 999 NW Grand Blvd, Oklahoma City, OK 73118-6051
 5165411174 PSE&G, PO Box 1444, New Brunswick, NJ 08903-1444
 5165411175 Quality Asset Recovery, 7 Foster Ave Ste 101, Gibbsboro, NJ 08026-1191
 516574276 +SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284
 5165411176 Santander Consumer USA, PO Box 961245, Fort Worth, TX 76161-0244
 5165411177 Stellar Recovery, PO Box 48570, Jacksonville, FL 32247
 5165411179 Trident Asst, 53 Perimeter Ctr E Ste 440, Atlanta, GA 30346-2294
 5165411180 Virtua Health, PO Box 6028, Bellmawr, NJ 08099-6028

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 23 2017 23:58:51 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 23 2017 23:58:48 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 5165411159 E-mail/Text: EBNProcessing@afni.com Jan 23 2017 23:59:00 AFNI AT&T Mobil, PO Box 3097,
 Bloomington, IL 61702-3097
 516562002 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 23 2017 23:56:44
 American InfoSource LP as agent for, T Mobile/T-Mobile USA Inc, PO Box 248848,
 Oklahoma City, OK 73124-8848
 5165411161 E-mail/PDF: ch.collections@verizon.net Jan 23 2017 23:55:58 C&H Collection Services,
 PO Box 1399, Merchantville, NJ 08109-0399
 5165411178 E-mail/Text: bankruptcy@sw-credit.com Jan 23 2017 23:58:52 SW Credit Systems, LP,
 4120 International Pkwy Ste 1100, Carrollton, TX 75007-1958

TOTAL: 6

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 25, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-1

User: admin
Form ID: pdf901

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Total Noticed: 34

Date Rcvd: Jan 23, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 23, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmil@standingtrustee.com, summarymail@standingtrustee.com
Michelle Banks-Spearman on behalf of Creditor City of Camden MiSpearm@ci.camden.nj.us,
NaHarvey@ci.camden.nj.us;LyLaracu@ci.camden.nj.us;NoCarrer@ci.camden.nj.us
Tamika Nicole Wyche on behalf of Debtor Eva E. Acevedo dpdlawyer@comcast.net,
G30609@notify.cincompass.com
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5